

AR #97-04



Scott Thomas

01/10/2000 03:42 PM



To: Commissioners Office, James Pehrkon/FEC/US@FEC, Lawrence Noble/FEC/US@FEC, Kim Bright-Coleman/FEC/US@FEC, Robert Costa/FEC/US@FEC, John Gibson/FEC/US@FEC, Susan Kay/FEC/US@FEC, Kelli McCarthy/FEC/US@FEC

cc:

Subject: Call from H. Ross Perot; possible ex parte contact

I received a call today from Mr. Perot asking whether there was anything still pending that would prevent his '96 committee from closing the books and terminating. He noted that the audit was completed months ago and that his committee had sent back all the money the Government had sought. I said I would have to check into it.

I or my staff contacted OGC, RAD and Audit. There is a pending audit referral involving an individual's excessive advances, and OGC has circulated internally a first draft of a report to the Commission. RAD received a letter from the committee in March of 1999 seeking termination, but was advised by OGC that termination would not be appropriate because of the pending referral. No response letter has been sent to the committee. However, Audit was phoned and asked by a committee representative about terminating, and OGC responded to a committee representative by phone in August that termination was not appropriate.

I called Mr. Perot back and advised him that because there was a pending referral item that might result in a compliance action, the Commission policy was to inform committees that they should not terminate. He recalled that there was a concern about an individual who had paid for some expenses for the committee and he said it was a technical mistake the committee recognized and corrected. He said that at worst the FEC should seek payment of the interest that was saved. I informed him I could not guess what the Commission would do with the pending referral, but I said I estimated the Commissioners would be getting a staff recommendation within a month.

To the extent appropriate, please treat this as an ex parte communication memo. But see 11 C.F.R. secs. 7.15, 111.22, 201.2, and 201.3. Beyond that, it seems we need to clarify who has responsibility to respond to a termination request, how it should be done, and when it should be done.

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